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|---|--------------------------------------|---------------------------------------|--|
| <b>Examiner-Initiated Interview Summary</b> | <b>Application No.</b><br>09/363,748 | <b>Applicant(s)</b><br>WATKINS ET AL. |  |
|   | <b>Examiner</b><br>L. E. Crane       | <b>Art Unit</b><br>1623               |  |

**All Participants:**

(1) L. E. Crane.

(2) Mr. Robert Hahl.

**Date of Interview:** 11 June 2004

**Type of Interview:**

☒ Telephonic  
☐ Video Conference  
☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes ☐ No  
 If Yes, provide a brief description: \_\_\_\_\_

**Part I.**

Rejection(s) discussed:  
*All of record (enablement, anticipation and obviousness).*

Claims discussed:  
*39 and 51-53 in particular.*

Prior art documents discussed:  
*prior art of record, patent issued to Brazilian inventors concerning human infant formula enhanced with ribonucleosides and/or ribonucleotides.*

**Part II.**

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:  
*See Continuation Sheet*

**Part III.**

☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.

☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

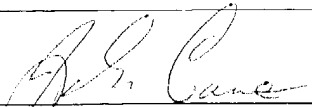
**Status of Application:** PREPARING RESPONSE TO AMENDMENT

(3) \_\_\_\_\_

(4) \_\_\_\_\_

**Time:** \_\_\_\_\_

  
 \_\_\_\_\_  
 (Examiner/SPE Signature)

\_\_\_\_\_  
 (Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: Examiner and Mr. Hahl discussed the merits of the rejections of record in light of the two declarations filed by applicant (Prof.) Wurtman. Examiner indicated that claims 51-53 were subject matter not previously claimed or searched, but that examiner had no recollection of having seen such a disclosure. Examiner indicated that claims 51-53 could not be allowed because they had not been searched and suggested an RCE filing to permit an additional search. Mr. Hahl argued that the data provided in the first Wurtman declaration (rats in a water maze memory test) should be sufficient in light of the explanation of Figure 4 in the second Wurtman declaration. Examiner respectfully disagreed on the basis that the second declaration argued against rats as test subjects when compared with gerbils because of a much closer resemblance between the biochemical character of human and gerbils when in vivo concentrations of pyrimidine ribonucleosides are compared. Mr. Hahl queried examiner concerning whether data of the quality of the rat water maze data but obtained with gerbils would be seen to overcome the present grounds of rejection. Examiner indicated that this was a hypothetical question which if answered directly would amount to giving inappropriate directions to applicant, but that applicant was encouraged to introduce additional data at the earliest possible time and that such data would be given due consideration after careful review. Examiner also recalled prosecution by another examiner of claims directed to infant formula enhanced by the addition of ribonucleotides, and that this disclosure should probably be made of record in the instant case in view of the possible disclosure during the prosecution of that case of a comparison of the development of human infants fed bovine based formula with human infants fed formula enhanced with ribonucleotides to more closely resemble human breast milk. Examiner indicated that a final Office action would probably be forthcoming, reciting portions of the Piazza et al. patent and other art of record as the probable basis for amended art rejection(s).